

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

\* \* \*

CHRISTOPHER J. WILLING,

Plaintiff,

v.

ARMS, *et al.*,

Defendants.

Case No.: 2:14-cv-01122-APG-PAL

**ORDER GRANTING MOTION TO DISMISS**

(Dkt. #33)

Pro se plaintiff Christopher Willing filed a “Section 1983” suit against defendants Nye County Detention Center (NCDC), Deputy Arms, Sergeant Martinez, Lieutenant Medina, and Health Care Partners for violating his Fourteenth Amendment rights while in pretrial detention.<sup>1</sup> Willing alleges he broke his collarbone while in custody and that the defendants interfered with, delayed, and denied the necessary treatment of his injury.<sup>2</sup> Willing also alleges defendants’ actions and inactions caused him further pain and suffering.<sup>3</sup> Defendant NCDC moves to dismiss Willing’s claims against it because it is not an entity capable of being sued.<sup>4</sup> Because NCDC is a department of Nye County and cannot be sued, I grant its motion.

In assessing a motion to dismiss, I must accept as true all well-pleaded factual allegations in the complaint; however, legal conclusions are not entitled to the assumption of truth.<sup>5</sup> A complaint need not contain detailed factual allegations; however, those allegations must be “more than labels and conclusions” and must “rise above the speculative level.”<sup>6</sup> Thus, to survive a

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<sup>1</sup> (Dkt. #6.)

<sup>2</sup> (*Id.* at 3.)

<sup>3</sup> (*Id.* at 3-5.)

<sup>4</sup> (Dkt. #33.)

<sup>5</sup> *Ashcroft v. Iqbal*, 556 U.S. 662, 679 (2009).

<sup>6</sup> *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 555 (2007).

1 motion to dismiss, a complaint must contain sufficient factual matter to “state a claim for relief  
2 that is plausible on its face.”<sup>7</sup> Allegations in a pro se complaint are “held to less stringent  
3 standards than formal pleadings drafted by lawyers.”<sup>8</sup>

4 The issue here is whether NCDC is a properly-named defendant. In Nevada, each county  
5 is a political subdivision of the state and an independent legal entity, which means each county  
6 can sue or be sued.<sup>9</sup> But the same is not true of a county detention center. Rather, a county  
7 detention center is a department of the county and not an independent legal entity.<sup>10</sup> Therefore, it  
8 cannot be sued under its own name.<sup>11</sup> Accordingly, I grant NCDC’s motion because NCDC is  
9 not a suable entity, and thus Willing cannot state a cognizable legal claim against it.

10 IT IS THEREFORE ORDERED that Nye County Detention Center’s Motion to Dismiss  
11 **(Doc. 33) is GRANTED.** All of plaintiff’s claims against Nye County Detention Center are  
12 dismissed with prejudice.

13 DATED this 4<sup>th</sup> day of August, 2015.  
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17 ANDREW P. GORDON  
18 UNITED STATES DISTRICT JUDGE  
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23 <sup>7</sup> *Id.* at 570.

24 <sup>8</sup> *Hughes v. Rowe*, 449 U.S. 5, 9 (1980) (quotation omitted).

25 <sup>9</sup> *Clark Cnty. v. Lewis*, 498 P.2d 363, 365 (Nev. 1972); Nev. Rev. Stat. § 41.031(2).

26 <sup>10</sup> Nev. Rev. Stat. § 41.0305.

27 <sup>11</sup> *Wayment v. Holmes*, 912 P.2d 816, 819-20 (Nev. 1996); *Wright v. City of Las Vegas*,  
28 Nev., 395 F. Supp. 2d 789, 794 (S.D. Iowa 2005) (“In Nevada, political subdivisions may be  
sued; departments of political subdivisions may not.” (citing Nev. Rev. Stat. § 41.031(1)-(2)  
(2004))).